IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

THURSDAY, THE 6TH SEPTEMBER 2007 / 15TH BHADRA 1929

WP(C).No. 26505 of 2007(E)

PETITIONER:

P.HASEENA,
W/O.MAHAMOOD ALI AKBAR, AGED 34 YEARS,
HIGH SCHOOL ASSISTANT (PHYSICAL SCIENCE),
(RELIEVED), T.S.SCHOOL, VADAKKANGARA (RESIDING
AT SAIFATH, P.O. MANKADA PALLIPPURAM,
MALAPPURAM-679 324).

BY ADV. SRI.V.A.MUHAMMED
SRI.K.E.HAMZA

RESPONDENTS:

1. THE STATE OF KERALA REPRESENTED BY THE SECRETARY TO GOVERNMENT, GENERAL EDUCATION DEPARTMENT, SECRETARIAT, TRIVANDRUM.

2. THE DEPUTY DIRECTOR OF EDUCATION, MALAPPURAM DISTRICT.

3. THE DISTRICT EDUCATIONAL OFFICER, MALAPPURAM DISTRICT.

4. THE MANAGER, T.S.SCHOOL, VADAKKANGARA, MALAPPURAM DISTRICT.

5. SMT. ZIMLI JAS, HIGH SCHOOL ASSISTANT (PHYSICAL SCIENCE), T.S.SCHOOL, VADAKKANGARA, MALAPPURAM DISTRICT.

BY G.P. SHRI.A.J. VARGAHESE,

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 06/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

S.SIRI JAGAN, J.

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W.P.(C).No.26505 of 2007

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Dated this the 6th day of September, 2007

J U D G M E N T

The petitioner claims to be a teacher entitled to preferential appointment in accordance with Rule 51A of Chapter XIV-A of KER in the school managed by the 4th respondent. According to petitioner, a vacancy of High School Assistant (Physical Science) arose on 20.6.2007 to which the petitioner has a rightful claim for appointment. However, the manager has appointed the 5th respondent who is a fresh recruit, in that post overlooking the preferential claim of the petitioner. The petitioner therefore challenges the appointment of the 5th respondent and seeks a direction to the manager to appoint the petitioner in the place of the 5th respondent. However, for the present, the petitioner would be satisfied with a direction to the third respondent to consider Exts.P2 and P9 representations filed by her in this regard.

2. I have heard learned Government Pleader also.

3. In the nature of the order I propose to pass, I do not find it necessary to issue notice to the 5th respondent for the present. In the above circumstances, this writ petition is disposed of with the following directions:

The third respondent shall consider and pass appropriate orders on Exts.P2 and P9 in accordance with law, as expeditiously as possible, at any rate, within two months from the date of receipt of a copy of this judgment, after affording an opportunity of being heard to the petitioner, the 4th respondent and the 5th respondent. It would be open to the petitioner to rely on any material in her possession in support of her case including decisions of this court, Government orders etc., which shall also be considered by the third respondent appropriately. Till orders are passed, the appointemnt of the 5th respondent shall not be approved by the D.E.O.

Sd/-

sdk+ S.SIRI JAGAN, JUDGE

///True copy///

P.A. to Judge.